

MONDAY, MAY 15, 2000

SEVENTY-SEVENTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative McDonald.

Representative McDonald led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Fitzhugh; personal reasons.

Representative Jackson; personal reasons.

Representative Rhinehart; illness.

Representative Ridgeway; personal reasons.

Representative Turner (Hamilton); illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 726: Rep(s). Patton as prime sponsor(s).

House Bill No. 643: Rep(s). Pleasant and Sargent as prime sponsor(s).

House Bill No. 2297: Rep(s). Pleasant, McKee, Roach, Boyer and Bowers as prime sponsor(s).

House Bill No. 2449: Rep(s). Stulce, McCord, Tidwell and Curtiss as prime sponsor(s).

House Bill No. 2914: Rep(s). Goins as prime sponsor(s).

House Bill No. 2917: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 2919: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 2921: Rep(s). Pleasant as prime sponsor(s).

House Bill No. 2970: Rep(s). Scroggs as prime sponsor(s).

House Bill No. 3080: Rep(s). Lewis, Ferguson, Bowers, Walker, Windle, Sharp and Curtiss as prime sponsor(s).

House Bill No. 3194: Rep(s). Walker and Bone as prime sponsor(s).

MESSAGE FROM THE SENATE

May 12, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2213, 2250, 2410, 3055, 3219; also, Senate Joint Resolution(s) No(s). 751, 752, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 768, 769, 770, 771, 772 and 774 for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

SIGNED

May 12, 2000

The Speaker signed the following: Senate Bill(s) No(s). 2213, 2250, 2410, 3055, 3219; also, Senate Joint Resolution(s) No(s). 751, 752, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 768, 769, 770, 771, 772 and 774.

ENROLLED BILLS

May 12, 2000

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 231, 2027, 2104, 2180, 2221, 2367, 2388, 2408, 2420, 2434, 2472, 2532, 2600, 2612, 2685, 2720, 2769, 2770, 2918, 3030, 3032, 3101, 3156, 3160, 3227, also, House Joint Resolution(s) No(s) 518, 623, 624, 625, 626, 627, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 654, 655, 656, 657, 659, 660, 661, 662, 663, 664, 665, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 679, 680, 681, 682, 683, 684, 686, 687, 688, 689, 690, 691 and 695.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 12, 2000

The Speaker signed the following: House Bill(s) No(s). 231, 2027, 2104, 2180, 2221, 2367, 2388, 2408, 2420, 2434, 2472, 2532, 2600, 2612, 2685, 2720, 2769, 2770, 2918, 3030, 3032, 3101, 3156, 3160, 3227; also, House Joint Resolution(s) No(s). 518, 623, 624, 625, 626, 627, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 654, 655, 656, 657, 659, 660, 661, 662, 663, 664, 665, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 679, 680, 681, 682, 683, 684, 686, 687, 688, 689, 690, 691 and 695.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 12, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 231, 2027, 2104, 2180, 2221, 2367, 2388, 2408, 2420, 2434, 2472, 2532, 2600, 2612, 2685, 2720, 2769, 2770, 2918, 3030, 3032, 3101, 3156, 3160, 3227; also, House Joint Resolution(s) No(s). 518, 623, 624, 625, 626, 627, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 654, 655, 656, 657, 659, 660, 661, 662, 663, 664, 665, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 679, 680, 681, 682, 683, 684, 686, 687, 688, 689, 690, 691 and 695; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 12, 2000

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 231, 2027, 2104, 2180, 2221, 2367, 2388, 2408, 2420, 2434, 2472, 2532, 2600, 2612, 2685, 2720, 2769, 2770, 2918, 3030, 3032, 3101, 3156, 3160, 3227; also, House Joint Resolution(s) No(s). 518, 623, 624, 625, 626, 627, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 654, 655, 656, 657, 659, 660, 661, 662, 663, 664, 665, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 679, 680, 681, 682, 683, 684, 686, 687, 688, 689, 690, 691 and 695.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 15, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2311; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Chumney was recognized in the Well with members of the Shelby County delegation to introduce Mr. William Walter Farris for remarks.

RESOLUTION READ

The Clerk read House Joint Resolution No. 570 honoring Mr. Farris for his personal and professional achievements.

House Joint Resolution No. 570 -- Memorials, Public Service - William Walter Farris, by *Chumney, *Naifeh, *DeBerry L, *Armstrong, *Turner (Shelby), *Hargrove, *Kisber, *Bowers, *DeBerry J, *Jones U (Shelby), *Kernell, *Todd, *Miller L, *Pleasant, *Brooks, *Cooper B, *Towns, *Hargett, *Kent, *Cole (Carter), *Caldwell.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 17, 2000:

House Resolution No. 223 -- Memorials, Interns - Jamey Leigh "James" Hill. by *Bowers.

House Resolution No. 224 -- Memorials, Public Service - Chattanooga Homeless Coalition. by *Brown.

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House Resolution No. 225 -- Memorials, Recognition - Voices of Unity In Praise Gospel Choir. by *Brown.

House Resolution No. 226 -- Memorials, Recognition - Smith, Cross and Green family reunion. by *Jones U (Shelby), *Bowers, *DeBerry L, *Chumney.

House Joint Resolution No. 731 -- Memorials, Academic Achievement - Misti Michele Houck, 2000 Valedictorian, Anderson County High School. by *Baird.

House Joint Resolution No. 732 -- Memorials, Academic Achievement - Carl Daniel Hill, 2000 Valedictorian, Anderson County High School. by *Baird.

House Joint Resolution No. 733 -- Memorials, Academic Achievement - Adam Kenton Bates, Valedictorian, Anderson County High School. by *Baird.

House Joint Resolution No. 734 -- Memorials, Academic Achievement - Marcia Kate Harmon, Valedictorian, Anderson County High School. by *Baird.

House Joint Resolution No. 735 -- Memorials, Academic Achievement - Meredith Ann Yeager, Valedictorian, Anderson County High School. by *Baird.

House Joint Resolution No. 736 -- Memorials, Academic Achievement - Joe Charles Hutchinson, Valedictorian, Anderson County High School. by *Baird.

House Joint Resolution No. 737 -- Memorials, Academic Achievement - Sarah Ann Evans, Valedictorian, Union County High School. by *Goins.

House Joint Resolution No. 738 -- Memorials, Academic Achievement - Leslie M. Inklebarger, Valedictorian, Union County High School. by *Goins.

House Joint Resolution No. 739 -- Memorials, Academic Achievement - Danny Lee Hutchens, Jr., Valedictorian, Union County High School. by *Goins.

House Joint Resolution No. 740 -- Memorials, Academic Achievement - Priscilla Frances Cardwell, Valedictorian, Union County High School. by *Goins.

House Joint Resolution No. 741 -- Memorials, Academic Achievement - Courtney Wolard, Valedictorian, Union County High School. by *Goins.

House Joint Resolution No. 742 -- Memorials, Death - Jere T. Bradshaw. by *Cole (Dyer).

House Joint Resolution No. 744 -- Memorials, Professional Achievement - Dura Montgomery, Tennessee Education Association Distinguished Employee Award. by *Newton.

House Joint Resolution No. 745 -- Memorials, Academic Achievement - Lauren Elizabeth Burnett, Valedictorian, Anderson County High School. by *Baird.

House Joint Resolution No. 746 -- Naming and Designating - "The Volunteer" by Ray Scarbrough, The Southern Gospel Song of Tennessee. by *Dunn, *Tindell.

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House Joint Resolution No. 747 -- Memorials, Personal Achievement - Tunisia Parks, Tobacco Free Billboard contest winner. by *Brown, *Stulce, *Wood, *Sharp, *McAfee.

House Joint Resolution No. 748 -- Memorials, Public Service - Sallie Crenshaw Bethlehem Center, 80th anniversary. by *Brown.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3349 -- Cumberland Gap - Subject to local approval, rewrites charter. Amends Chapter 210 of the Acts of 1907; as amended. by *Goins.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1139 -- Public Buildings - Establishes that public building authorities shall not be considered to be instrumentalities of local government for purposes of conflict of interest requirements related to competitive bid processes. Amends TCA Title 12, Chapter 10, Part 1. by *Clabough. (*HB872 by *Kerr)

Senate Bill No. 2159 -- Courts, Administrative Office of the - Directs administrative office of the courts to create statewide uniform application for pretrial diversion. Amends TCA Title 16, Chapter 3, Part 8 and Title 40. by *Cohen. (*HB2113 by *Buck)

***Senate Bill No. 2291** -- Taxes, Privilege - Earmarks portion of proceeds from Local Parks Acquisition Fund for program administration by recreation resources division of department of environment and conservation; limits amount commissioner may allocate to not more than 3.5 percent of moneys in fund Amends TCA Section 67-4-409. by *Crutchfield. (HB2710 by *Odom)

***Senate Bill No. 2766** -- Taxes, Real Property - Provides for property tax exemptions for business incubators. Amends TCA Title 67, Chapter 5, Part 2. by *McNally, *Dixon, *Kyle. (HB2492 by *Caldwell)

Senate Bill No. 3027 -- Mental Retardation - Sets methodology for determining payments to entities which contract with department of mental health and mental retardation for mental retardation services. Amends TCA Title 33. by *Springer, P, *Rochelle, *Fowler. (*HB2841 by *Eckles, *Wood, *Armstrong)

***Senate Bill No. 3152** -- Education - Requires department of safety to deny driver license or permit to student withdrawn from secondary school who has three unexcused absences while attending course leading to GED certificate. Amends TCA Section 49-6-3017 and Title 55, Chapter 50. by *Davis L. (HB3180 by *West)

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Senate Bill No. 3183 -- Insurance, Motor Vehicles - Prohibits setting motor vehicle insurance rates by zip code. Amends TCA Title 56, Chapter 5, Part 3. by *Dixon. (*HB2944 by *Bowers)

Senate Bill No. 3237 -- Insurance, Health, Accident - Prohibits wrongful declination of accident and health coverage; establishes guidelines. Amends TCA Title 56. by *McNally, *Blackburn, *Kurita. (*HB3241 by *Scroggs)

Senate Bill No. 3259 -- Motor Vehicles, Titling and Registration - Reclassifies Nashville Predators cultural license plate as new specialty earmarked plate Amends TCA Title 55, Chapter 4. by *Haynes. (*HB3266 by *West)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3332 -- Dickson County -- Local Bill Held on House Desk

House Bill No. 3333 -- Rives -- Local Bill Held on House Desk

House Bill No. 3335 -- Gainesboro -- Local Bill Held on House Desk

House Bill No. 3336 -- Montgomery County -- Local Bill Held on House Desk

House Bill No. 3337 -- Monroe County -- Local Bill Held on House Desk

House Bill No. 3338 -- Maury County -- Local Bill Held on House Desk

House Bill No. 3339 -- Rutherford County -- Local Bill Held on House Desk

House Bill No. 3340 -- Morristown -- Local Bill Held on House Desk

House Bill No. 3341 -- Kingston -- Local Bill Held on House Desk

House Bill No. 3342 -- Kingston -- Local Bill Held on House Desk

House Bill No. 3343 -- Kingston -- Local Bill Held on House Desk

House Bill No. 3344 -- Kingston -- Local Bill Held on House Desk

House Bill No. 3345 -- Kingston -- Local Bill Held on House Desk

House Bill No. 3346 -- Kingston -- Local Bill Held on House Desk

House Bill No. 3347 -- Morristown -- Local Bill Held on House Desk

House Bill No. 3348 -- Marshall County -- Local Bill Held on House Desk

CONSENT CALENDAR

***House Bill No. 2957** -- Grand Juries - Gives law enforcement officer accused of crime alleged to have occurred on duty right to appear before and present sworn statement to grand jury; prohibits prosecution of officer accused of on-duty crime without grand jury indictment. Amends TCA Title 40, Chapter 12. by *Kent, *Todd. (SB3068 by *Springer, P, *Person)

***House Joint Resolution No. 595** -- Memorials, Congress - Urges full federal funding for Ricky Ray Hemophilia Relief Fund for HIV victims. by *Jones, S., *Odom, *Caldwell, *Pruitt, *Langster, *Black, *Hassell, *Arriola, *Briley, *Givens.

***House Joint Resolution No. 493** -- General Assembly, Statement of Intent or Position - Supports expansion of available hardware secure beds for female offenders and for serious and violent offenders in department of children's services youth centers. by *Scroggs.

House Bill No. 2427 -- Sunset Laws - Department of health, June 30, 2004. Amends TCA Title 4, Chapters 3 and 29. by *Kernell, *Garrett, *Brooks. (*SB2096 by *Springer, P, *Burchett, *Harper)

On motion, House Bill No. 2427 was made to conform with **Senate Bill No. 2096**; the Senate Bill was substituted for the House Bill.

Senate Joint Resolution No. 616 -- Naming and Designating - "Community Action Month," May 2000. by *Crowe, *Dixon.

House Bill No. 3322 -- Cowan - Subject to local approval, increases compensation of council members. Amends Chapter 100 of the Private Acts of 1967; as amended. by *Fraleigh. (SB3307 by *Cooper)

House Bill No. 3323 -- DeKalb County - Subject to local approval, provides for an advisory referendum at November 2000 regular election. by *Buck. (SB3310 by *Burks)

House Bill No. 3326 -- Bradford - Subject to local approval, deletes requirement that hiring or dismissal of any employee or officer requires affirmative vote of majority of all members of board of mayor and aldermen, whether present or not. Amends Chapter 38 of the Private Acts of 1985; as amended. by *Phelan. (SB3315 by *Carter)

House Bill No. 3327 -- Jonesborough - Subject to local approval, authorizes board of mayor and aldermen to levy and collect fees for street lighting through establishment of special improvement districts. Amends Chapter 135 of the Acts of 1903. by *Patton.

House Bill No. 3329 -- Livingston - Subject to local approval, authorizes board of mayor and aldermen to require owner of record to clean up vegetation and debris from real property. Amends Chapter 130 of the Acts of 1907; as amended. by *Windle. (SB3312 by *Davis L)

On motion, House Bill No. 3329 was made to conform with **Senate Bill No. 3312**; the Senate Bill was substituted for the House Bill.

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House Bill No. 3330 -- Henderson County - Subject to local approval, transfers from county clerk to circuit court clerk duty to serve as clerk of general sessions court when exercising juvenile jurisdiction. by *McDaniel, *Ford S. (SB3334 by *Springer, J)

House Bill No. 3331 -- Maury County - Subject to local approval, defines composition of board of adjustments and appeals. Amends Chapter 118 of the Private Acts of 1991. by *Sands. (SB3322 by *Blackburn)

House Resolution No. 219 -- Memorials, Personal Achievement - Shana Long. by *Brooks.

House Resolution No. 220 -- Memorials, Retirement - Russel Smith, Tennessee Department of Education. by *Kent.

House Resolution No. 221 -- Memorials, Interns - Beth Goddard. by *Boyer.

House Resolution No. 222 -- Memorials, Interns - Maryam Abdallah. by *Brown.

House Joint Resolution No. 714 -- Memorials, Retirement - Richard and Louise Knight. by *Windle.

House Joint Resolution No. 717 -- Memorials, Public Service - Mayor Vance W. Cheek, Jr., Distinguished Leadership Award, Community Leadership's 2000 Leadership Conference winner. by *Davis (Washington), *Patton.

House Joint Resolution No. 718 -- Memorials, Interns - Greg Caesar. by *Hargett, *Pleasant.

House Joint Resolution No. 719 -- Memorials, Retirement - Jimmy Hayslip. by *Hargett, *Pleasant.

House Joint Resolution No. 720 -- Memorials, Academic Achievement - Andrew Reagan Wagoner, Salutatorian, Donelson Christian Academy. by *West.

House Joint Resolution No. 721 -- Memorials, Academic Achievement - Christopher Lewis Cropsey, Valedictorian, Donelson Christian Academy. by *West.

House Joint Resolution No. 722 -- Memorials, Academic Achievement - Jill Alana Harris, Valedictorian, Donelson Christian Academy. by *West.

House Joint Resolution No. 723 -- Memorials, Public Service - Commander William R. Anderson, U.S. Navy (Ret). by *McDaniel.

House Joint Resolution No. 724 -- Memorials, Public Service - Margaret Lawless, Jackson Symphony Orchestra. by *McDaniel.

House Joint Resolution No. 725 -- Memorials, Death - Cecil Glen Ray. by *Pleasant, *Todd, *Hargett.

House Joint Resolution No. 726 -- Memorials, Recognition - Outbreak of Korean War, 50th anniversary. by *Davis (Washington), *Mumpower, *Godsey, *Westmoreland.

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House Joint Resolution No. 727 -- Memorials, Professional Achievement - Herbert Lackey, TEA Distinguished Administrator Award recipient. by *Newton, *Bunch.

House Joint Resolution No. 728 -- Memorials, Personal Achievement - Andrew Carr, Eagle Award Ceremony. by *Goins.

House Joint Resolution No. 729 -- Memorials, Professional Achievement - Dr. Carl Hite, Shirley B. Gordon Award of Distinction recipient. by *Newton, *Bunch.

House Joint Resolution No. 730 -- Memorials, Recognition - Naser M. Ammash, M.D. by *Bone.

Senate Joint Resolution No. 775 -- Memorials, Professional Achievement - Sam Brown, 2000 Edward R. Murrow Regional Award for Investigatory Reporting. by *Burchett.

Senate Joint Resolution No. 776 -- Memorials, Academic Achievement - Wesley Taylor, Valedictorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 777 -- Memorials, Academic Achievement - Joshua Kent Flory, Salutatorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 778 -- Memorials, Academic Achievement - Lindsey Denise Nuchols, Salutatorian, Heritage High School. by *Clabough.

Senate Joint Resolution No. 779 -- Memorials, Academic Achievement - Brandon Smith, Salutatorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 780 -- Memorials, Academic Achievement - Ashley A. Groth, Valedictorian, Alcoa High School. by *Clabough.

Senate Joint Resolution No. 781 -- Memorials, Academic Achievement - April Michelle Sullivan, Salutatorian, Gatlinburg-Pittman High School. by *Clabough.

Senate Joint Resolution No. 782 -- Memorials, Academic Achievement - Jonathan Lannie Britton, Salutatorian, Alcoa High School. by *Clabough.

Senate Joint Resolution No. 783 -- Memorials, Academic Achievement - Kasi Gooch, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 784 -- Memorials, Academic Achievement - Seok-Ho "John" Seo, Salutatorian, Kings Academy. by *Clabough.

Senate Joint Resolution No. 785 -- Memorials, Academic Achievement - Heather Sternshein, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 786 -- Memorials, Academic Achievement - Laurel Mosher, Valedictorian, Kings Academy. by *Clabough.

Senate Joint Resolution No. 787 -- Memorials, Academic Achievement - David Carl Hoffecker, Jr., Salutatorian, Sevier County High School. by *Clabough.

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Senate Joint Resolution No. 788 -- Memorials, Academic Achievement - Shalena Parker, USAA Math Award. by *Burks.

Senate Joint Resolution No. 790 -- Memorials, Death - Dr. Charles W. "Chuck" Johnson. by *Crowe, *Burchett, *Atchley, *Womack.

Senate Joint Resolution No. 791 -- Memorials, Recognition - WSM, 75th anniversary. by *Haynes, *Rochelle, *Kyle, *Henry, *Harper, *Blackburn.

Senate Joint Resolution No. 792 -- Memorials, Personal Achievement - Taijuan "Tootie" Thomas. by *Herron.

Senate Joint Resolution No. 793 -- Memorials, Sports - Trimble Elementary School boys' basketball team, TNT Tournament champions. by *Herron.

Senate Joint Resolution No. 794 -- Memorials, Death - Harlan Mullins. by *Burks, *Davis L.

Senate Joint Resolution No. 795 -- Memorials, Academic Achievement - Gloria Mallory, Graduate, San Diego State University. by *Harper.

Senate Joint Resolution No. 796 -- Memorials, Academic Achievement - Floyd Daniel Dunnivant, Valedictorian, Lebanon High School. by *Rochelle.

Senate Joint Resolution No. 797 -- Memorials, Academic Achievement - Andre de Araujo Jorge, Salutatorian, Lebanon High School. by *Rochelle.

Senate Joint Resolution No. 798 -- Memorials, Academic Achievement - James Baxter Storie, Valedictorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 799 -- Memorials, Academic Achievement - Margaret Paige (Callie) Pritchett, Salutatorian, Mt. Juliet Christian Academy. by *Rochelle.

Senate Joint Resolution No. 800 -- Memorials, Academic Achievement - Elisabeth Anne Heck, Valedictorian, Sevier High School. by *Clabough.

Senate Joint Resolution No. 801 -- Memorials, Academic Achievement - Jason Allen French, Valedictorian, William Blount High School. by *Clabough.

Senate Joint Resolution No. 802 -- Memorials, Academic Achievement - Adam S. Bohanan, Valedictorian, Gatlinburg-Pittman High School. by *Clabough.

Senate Joint Resolution No. 803 -- Memorials, Academic Achievement - Sarah Phillips, Valedictorian, William Blount High School. by *Clabough.

Senate Joint Resolution No. 804 -- Memorials, Academic Achievement - Melissa Singleton, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 805 -- Memorials, Academic Achievement - Audrey Denise Barry, Valedictorian, Heritage High School. by *Clabough.

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Senate Joint Resolution No. 806 -- Memorials, Academic Achievement - Nathan Lee, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 807 -- Memorials, Academic Achievement - William Bryan McCarter, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 808 -- Memorials, Academic Achievement - Pamela Parton, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 809 -- Memorials, Academic Achievement - Ben Mills, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 810 -- Memorials, Academic Achievement - Steven Ratcliff, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 811 -- Memorials, Academic Achievement - Rebecca Spurlock, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 812 -- Memorials, Academic Achievement - Hannah Maples, Valedictorian, Gatlinburg-Pittman High School. by *Clabough.

Senate Joint Resolution No. 813 -- Memorials, Academic Achievement - Emma Taylor, Salutatorian, Gatlinburg-Pittman High School. by *Clabough.

Senate Joint Resolution No. 814 -- Memorials, Public Service - John M. Wood. by *Burchett.

Senate Joint Resolution No. 815 -- Memorials, Academic Achievement - Amy Holiway, Valedictorian, Sevier High School. by *Clabough.

Senate Joint Resolution No. 816 -- Memorials, Academic Achievement - Meredith Goode, Valedictorian, Sevier County High School. by *Clabough.

Senate Joint Resolution No. 817 -- Memorials, Death - Dr. J. V. Sailors. by *Womack, *Williams, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, J, *Wilder, *Womack.

Senate Joint Resolution No. 818 -- Memorials, Death - Senator Pete Springer. by *Crutchfield, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 819 -- Memorials, Public Service - Betty Richards. by *Haynes.

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution(s) No(s). 817 and 818 be added as sponsors, which motion prevailed.

MONDAY, MAY 15, 2000 – SEVENTY-SEVENTH LEGISLATIVE DAY

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 3295 -- Rockwood - Subject to local approval, makes various revisions to charter relative to elections, fines and contracts. Amends Chapter 327 of the Acts of 1903; as amended. by *Ferguson. (SB3276 by *Davis L)

Further consideration of House Bill No. 3295 previously considered on April 13, 2000 and May 1, 2000, at which time it was reset for today's Calendar.

Rep. Ferguson moved that House Bill No. 3295 be reset for the Regular Calendar on June 28, 2000, which motion prevailed.

House Bill No. 2867 -- Equalization Board - Changes criteria for two members appointed by governor to board of equalization and requires that such members not be affiliated with any local, state or federal government. Amends TCA Title 4. by *Miller L. (*SB2459 by *Ford J)

Further consideration of House Bill No. 2867 previously considered on April 17, 2000 and May 1, 2000, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. Miller moved that House Bill No. 2867 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 872** -- Public Buildings - Establishes that public building authorities shall not be considered to be instrumentalities of local government for purposes of conflict of interest requirements related to competitive bid processes. Amends TCA Title 12, Chapter 10, Part 1. by *Kerr. (SB1139 by *Clabough)

Further consideration of House Bill No. 872 previously considered on April 12, 2000 and May 8, 2000, at which time the House adopted Amendment(s) No(s). 1 and reset the bill for today's Calendar.

On motion, House Bill No. 872 was made to conform with **Senate Bill No. 1139**; the Senate Bill was substituted for the House Bill.

Rep. Kerr moved that Senate Bill No. 1139 be passed on third and final consideration.

Rep. Miller moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Ferguson moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Kerr moved that **Senate Bill No. 1139** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 3067 -- Financial Disclosure - Deletes maximum aggregate contribution limit of 50 percent of total contributions for offices elected by statewide elections and \$75,000 in aggregate for any other state or local public office which candidates may accept from multicandidate political campaign committees for each election. Amends TCA Title 2, Chapter 10. by *Kisber. (*SB2738 by *Rochelle)

Further consideration of House Bill No. 3067 previously considered on May 1, 2000 and May 8, 2000, at which time it was reset for today's Calendar.

Rep. Kisber requested that House Bill No. 3067 be moved to the heel of the Calendar.

House Bill No. 3058 -- Telecommunications - Authorizes Tennessee regulatory authority to promulgate rules concerning cellular towers. Amends TCA Title 65. by *Jones, S., *Hargrove, *West, *Arriola, *Pruitt, *Lewis, *Rhinehart, *Cooper B, *Curtiss, *Fowlkes, *Head, *Odom, *Caldwell, *Hood, *Bone, *Kisber, *McMillan, *Langster, *Ferguson, *Eckles, *Windle, *Towns, *McDonald, *Briley, *Brooks, *Armstrong, *Jones U (Shelby), *Miller L, *Turner (Shelby), *DeBerry L. (*SB2687 by *Kyle)

Further consideration of House Bill No. 3058 previously considered on May 8, 2000, at which time it was reset for today's Calendar.

Rep. S. Jones moved that House Bill No. 3058 be passed on third and final consideration.

Rep. Phelan requested that Commerce Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Armstrong moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Armstrong moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Armstrong moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 3058 by deleting all provisions of the bill following the enacting clause and substituting the following:

WHEREAS, technology-based information tools, such as the personal computer and the Internet, are becoming increasingly critical to educational and economic advancement; and

WHEREAS, the ability to effectively and efficiently employ this advanced technology is progressively essential for full participation in Tennessee's economic, political, and social life; and

WHEREAS, there is a continuously growing divide between school-age children with access to these information tools and advanced technology and those children without such access; and

WHEREAS, it is well-established and generally acknowledged that as information technology gains an ever-increasing role in our children's educational and economic lives certain children will be left behind in the information age with serious repercussions; and

WHEREAS, the resulting digital divide threatens to impede the health of our communities, the development of a skilled workforce, and the economic welfare of our State; and

WHEREAS, certain entities in both the private and the public sector have surplus technology related goods or excess capacity that could be contributed to and utilized by school-age children who otherwise lack direct and personal access to such advanced technology; and

WHEREAS, in the best and future interest of Tennessee and so as to increase and expand access to information technologies for underserved populations and areas, the General Assembly hereby creates a pilot program to facilitate access to educational technology by school-age children; now therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 21, is amended by adding the following as a new part:

Section 65-21-301 (a) The Tennessee Regulatory Authority is hereby directed to research, develop and formulate a plan for a program whose purpose is to facilitate access, with the voluntary assistance and contributions of private industry and interested governmental entities, to information tools and educational technology by underserved school-age children.

(b) Such plan shall be filed with the Speaker of the House, the Speaker of the Senate, and the Governor no later than May 15, 2001.

Section 65-21-302. Such plan shall serve as the basis and framework for a program through which the Authority, relative to advanced educational technology, is specifically authorized to organize and facilitate a voluntary collaboration among private industry and federal, state and local governments whereby their goods and/or services may be contributed and utilized.

Section 65-21-303. The Authority, after consulting with the Department of Education, the Department of Human Services and any other appropriate state agency, shall by rule develop criteria for determining the eligibility of underserved school-age children for this program; provided that during the pilot phase of the program, the selection of eligible candidates will be equally distributed between urban and rural areas; and provided further, that during the pilot phase of the program, the selection of eligible candidates will be equally distributed among the grand divisions.

Section 65-21-304. The Authority is hereby specifically authorized to promulgate any and all other rules necessary for the establishment and operation of this program.

Section 65-21-305. The Authority and the Department of Education shall submit a joint report on the performance of the pilot phase of the program to the Speaker of the House, the Speaker of the Senate, and the Governor no later than January 15, 2004. Such report shall contain a recommendation on whether to continue and/or expand the program.

Section 65-21-306. The Authority is hereby specifically authorized to receive and disperse contributions made pursuant to this legislation.

SECTION 2. (a) A cellular or other wireless telecommunications service provider or other person who proceeds to construct a new tower shall submit the following information to the comptroller of the treasury:

(1) A copy of the provider's applications to the Federal Communications Commission, if applicable;

(2) The location of the tower site which shall include the county and the municipality, if appropriate, and the parcel identification number used by the local assessor for property tax purposes, and the street address;

(3) Directions to the tower site;

(4) A copy of the lease or sale agreement for the property on which the tower has been approved; and

(5) The name, mailing address, telephone number of the person responsible for the ad valorem property tax on the tower.

(b) Upon receipt of the information required under (a), the comptroller shall issue a certificate, which shall be posted at the tower location.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect January 1, 2001, the public welfare requiring it. This act shall not apply to the siting of any tower that has made application for zoning approval before January 1, 2001.

Rep. Kerr requested that House Bill No. 3058 be moved down 10 places on the Calendar.

MONDAY, MAY 15, 2000 – SEVENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 643 -- Contractors - Increases from three to five days advance notice required from applicant who will be unable to appear for interview before contractor licensing board. Amends TCA Title 62. by *Odom, *Hood, *Beavers, *Eckles. (*SB739 by *Womack)

Further consideration of House Bill No. 643 previously considered on May 8, 2000, at which time the House adopted Amendment(s) No(s). 1 and 3, withdrew Amendment(s) No(s). 2 and reset the bill for today's Calendar.

Rep. Odom moved that House Bill No. 643, as amended, be passed on third and final consideration.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Odom moved that **House Bill No. 643**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	68
Noes	21
Present and not voting	2

Representatives voting aye were: Beavers, Bittle, Black, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Hassell, Hood, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Arriola, Baird, Bone, Brooks, Brown, Cooper, Davidson, Garrett, Harwell, Head, Jones U., Kent, Kernell, Langster, Miller, Odom, Pruitt, Todd, Towns, West, Williams -- 21.

Representatives present and not voting were: Armstrong, McDonald -- 2.

A motion to reconsider was tabled.

House Bill No. 2660 -- Election Laws - Allows registry of election finance to assess late filing fee of \$30.00 a day up to maximum of \$900 instead of \$25.00 a day up to maximum of \$750; increases class 1 offense civil penalty from \$25.00 a day up to maximum of \$750 to \$30.00 a day up to maximum of \$900. Amends TCA Title 2, Chapter 10; Title 3, Chapter 6, Part 1 and Title 8, Chapter 50, Part 5. by *McMillan. (*SB2695 by *Cooper)

Further consideration of House Bill No. 2660 previously considered on May 3, 2000, May 4, 2000 and May 8, 2000, at which time it was reset for today's Calendar.

MONDAY, MAY 15, 2000 – SEVENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 3100 -- Governor - Requires governor's inauguration (oath of office) to be held on Plaza of War Memorial Building or other appropriate outdoor venue. Amends TCA Title 2, Chapter 10 and Title 8. by *McMillan. (*SB2701 by *Cooper)

Further consideration of House Bill No. 3100 previously considered on May 3, 2000, May 4, 2000 and May 8, 2000, at which time it was reset for today's Calendar.

Rep. McMillan moved that House Bill(s) No(s). 2660 and 3100 be reset for the Regular Calendar on June 28, 2000, which motion prevailed.

House Bill No. 3080 -- Veterans - Enacts "Veterans' Dependents' Post-Secondary Education Assistance Act of 2000." Amends TCA Title 49, Chapter 7. by *Givens. (*SB3049 by *Crowe, *Burks, *Dixon, *Williams)

On motion, House Bill No. 3080 was made to conform with **Senate Bill No. 3049**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that **Senate Bill No. 3049** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 3071 -- Taxes, Litigation - Provides that no litigation or privilege taxes may be collected on metered space parking violations other than the currently required tax of \$1.00. Amends TCA Title 16, Chapter 3, Part 8; Title 55, Chapter 8; Title 55, Chapter 10 and Title 67. by *Kisber, *McMillan. (*SB2171 by *Henry)

Rep. McMillan moved that House Bill No. 3071 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

MONDAY, MAY 15, 2000 – SEVENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 2835 -- Hospitals and Health Care Facilities - Prohibits assessment of civil penalty against nursing home for action that physician determined to be medically necessary Amends TCA Title 68, Chapter 11, Part 2 and Part 8. by *Walley. (*SB2312 by *Cooper)

Rep. Walley moved that House Bill No. 2835 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

House Bill No. 3290 -- Fayette County - Subject to local approval, authorizes special wheel or privilege tax for retirement of debt for school construction. by *Walley, *Naifeh. (SB3273 by *Wilder)

Further consideration of House Bill No. 3290 previously considered on May 8, 2000, at which time it was re-referred to the House Committee on Calendar and Rules and reset for today's Calendar.

On motion, House Bill No. 3290 was made to conform with **Senate Bill No. 3273**; the Senate Bill was substituted for the House Bill.

Rep. Walley moved that Senate Bill No. 3273 be passed on third and final consideration.

Rep. Newton moved the previous question, which motion prevailed by the following vote:

Ayes.....	75
Noes	7
Present and not voting	3

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Brooks, Brown, Cooper, Miller, Pruitt, Towns, Turner (Shelby) -- 7.

Representatives present and not voting were: Chumney, Dunn, Jones U. -- 3.

Rep. Walley moved that **Senate Bill No. 3273** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	82
Noes	4
Present and not voting	6

MONDAY, MAY 15, 2000 – SEVENTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 82.

Representatives voting no were: Brooks, Brown, Cooper, Turner (Shelby) – 4.

Representatives present and not voting were: Baird, Jones U., Miller, Pruitt, Towns, West – 6.

A motion to reconsider was tabled.

House Bill No. 2632 -- Debtor Creditor Relations - Allows judgment creditor to serve interrogatories limited to issues relative to recovery of assets on third party whom such creditor believes possesses property of judgment debtor. Amends TCA Title 29. by *Buck. (*SB2804 by *Person)

***House Bill No. 2113** -- Courts, Administrative Office of the - Directs administrative office of the courts to create statewide uniform application for pretrial diversion. Amends TCA Title 16, Chapter 3, Part 8 and Title 40. by *Buck. (SB2159 by *Cohen)

House Bill No. 2112 -- Private Investigators - Exempts persons or companies who provide investigative services exclusively to and under supervision of attorneys from licensing requirements for private investigators and investigation companies. Amends TCA Section 62-26-223. by *Buck, *McMillan. (*SB2064 by *Henry)

Rep. Pinion moved that House Bill(s) No(s). 2632, 2113 and 2112 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

House Bill No. 3058 -- Telecommunications - Authorizes Tennessee regulatory authority to promulgate rules concerning cellular towers. Amends TCA Title 65. by *Jones, S., *Hargrove, *West, *Arriola, *Pruitt, *Lewis, *Rhinehart, *Cooper B, *Curtiss, *Fowlkes, *Head, *Odom, *Caldwell, *Hood, *Bone, *Kisber, *McMillan, *Langster, *Ferguson, *Eckles, *Windle, *Towns, *McDonald, *Briley, *Brooks, *Armstrong, *Jones U (Shelby), *Miller L, *Turner (Shelby), *DeBerry L. (*SB2687 by *Kyle)

Further consideration of House Bill No. 3058 previously considered on today's Calendar at which time the House placed Amendment(s) No(s). 1 at the heel of the Amendments, withdrew Amendment(s) No(s). 2 and 3 and was on the motion to adopt Amendment(s) No(s). 4.

Rep. S. Jones moved that House Bill No. 3058 be reset for the Regular Calendar on May 18, 2000, which motion prevailed.

MONDAY, MAY 15, 2000 – SEVENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 2439 -- Sunset Laws - Standards committee, department of children's services, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 3. by *Kernell, *Garrett, *Brooks. (*SB2087 by *Springer, P)

Rep. Kernell moved that House Bill No. 2439 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

***House Bill No. 2248** -- Traffic Safety - Requires log trucks to display revolving yellow lamp or reflective triangle emblem on rearmost extremity of vehicle or load; creates Class A misdemeanor offense for violation. Amends TCA Title 55. by *Bunch. (SB2402 by *Miller J)

On motion, House Bill No. 2248 was made to conform with **Senate Bill No. 2402**; the Senate Bill was substituted for the House Bill.

Rep. Bunch moved that Senate Bill No. 2402 be passed on third and final consideration.

Rep. Maddox moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1 as House Amendment No. 2.

Rep. Bunch moved that **Senate Bill No. 2402** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 85
Noes 7

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Arriola, Curtiss, Davidson, Ferguson, Lewis, McCord, Windle -- 7.

A motion to reconsider was tabled.

House Bill No. 1143 -- Consumer Protection - Enacts "Structured Settlement Protection Act." Amends TCA Title 47, Chapter 18. by *McMillan, *Sharp. (*SB484 by *Haynes)

On motion, House Bill No. 1143 was made to conform with **Senate Bill No. 484**; the Senate Bill was substituted for the House Bill.

MONDAY, MAY 15, 2000 – SEVENTY-SEVENTH LEGISLATIVE DAY

Rep. McMillan moved that Senate Bill No. 484 be passed on third and final consideration.

On motion, Rep. McMillan withdrew Judiciary Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 484** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1559 -- Evidence - Establishes criteria for determining admissibility of marital communications in criminal proceedings. Amends TCA Title 24, Chapter 1, by *McMillan. (*SB1485 by *Fowler)

Rep. McMillan moved that House Bill No. 1559 be passed on third and final consideration.

Rep. McMillan moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1559 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-1-201(b), is amended by deleting the language "In either a civil or criminal proceeding" in the first sentence and substituting instead, the language "In a civil proceeding".

SECTION 2. Tennessee Code Annotated 24-1-201 is further amended by adding the following as a new subsection:

(c)(1) In a criminal proceeding a marital confidential communication shall be privileged if :

(A) The communications originated in a confidence that they will not be disclosed;

(B) The element of confidentiality is essential to the full and satisfactory maintenance of the relation between the parties;

(C) The relation must be one which, in the opinion of the community, ought to be sedulously fostered; and,

(D) The injury to the relation by disclosure of the communications outweighs the benefit gained for the correct disposal of litigation.

(2) Upon a finding that a marital communication is privileged, it shall be inadmissible if either spouse objects. Such communication privileges shall not apply to proceedings concerning abuse of one (1) of the spouses or abuse of a minor in the custody of or under the dominion and control of either spouse, including, but not limited to proceedings arising under Title 37, Chapter 1, Parts 1 and 4; Title 37, Chapter 2, Part 4; and Title 71, Chapter 6, Part 1.

SECTION 3. This act shall take effect January 1, 2001, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 1559**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

PRESENT IN CHAMBER

Representative(s) Jackson was/were recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

House Bill No. 3051 -- Driver Licenses - Authorizes commissioner of safety to suspend, revoke, restrict or deny driver license of person with condition that potentially impairs safe driving; creates Class A misdemeanor for certain violations, including false reporting; creates driver license medical advisory board. Amends TCA Title 4; Title 10 and Title 55. by *DeBerry J. (*SB2899 by *Person)

Rep. J. DeBerry moved that House Bill No. 3051 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3051 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-505, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)(1) The department may, upon receiving evidence sufficient to establish that a licensed driver is incompetent or otherwise not qualified to be licensed, upon written notice of at least twenty (20) days to the licensee, require such driver to submit to a driver license examination and/or submit any other information deemed appropriate by the commissioner. The department shall take action as may be appropriate and may suspend the license of such person or permit such driver to retain such license, or may issue a license subject to restrictions as permitted under § 55-50-331(d) and (e). Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension of the driver license.

(2) The department shall have evidence sufficient to believe that a licensee is incompetent or unqualified to retain a driver license on the basis of, but not limited to, a written report by:

(A) Any duly certified peace officer, sheriff or member of the Tennessee highway patrol;

(B) Any physician, physical therapist, occupational therapist, chiropractic physician, registered nurse, psychologist or social worker duly licensed by the state of Tennessee; or

(C) Any member of the licensee's family, or spouse.

Any report submitted to the department pursuant to this subdivision shall state that the person reasonably and in good faith believes that the licensee cannot safely operate a motor vehicle and must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of safety and shall contain the name, address, telephone number, and signature of the person making the report.

(3) Any physician, physical therapist, occupational therapist, chiropractor, registered nurse, psychologist or social worker duly licensed by the state of Tennessee, may report to the department any patient diagnosed or assessed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by such medical professionals. Such report shall constitute evidence sufficient to believe that a licensee is incompetent or unqualified to retain a driver license.

(4) Any person who makes a report in good faith pursuant to the provisions of this subsection shall be immune from any civil liability or professional licensure sanction that otherwise might result from making the report. All reports made and all medical records reviewed and maintained by the department of safety under this subsection shall be treated as confidential except in compliance with a subpoena or an order of a court of record.

(5) The department shall keep records and statistics of reports made and actions taken against driver licenses under this subsection.

(6)(A) The department shall develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers under this subsection. The commissioner shall provide health care professionals and law enforcement officers with information about the procedures authorized in this subsection.

(B) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(C) The guidelines and regulations implementing this subsection shall be in compliance with the federal Americans with Disabilities Act of 1990.

(7)(A) Any person who knowingly violates a confidentiality provision of this subsection, or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this subsection, shall be guilty of a Class A misdemeanor and shall be liable for any actual damages.

(B) Any person who intentionally files a false report under this subsection shall be guilty of a Class A misdemeanor and shall be liable for any actual damages.

SECTION 2. Tennessee Code Annotated, Section 10-7-504(a), is amended by designating the existing language of subdivision (12) as item (A) and by adding the following language as item (B):

(B) All reports made and all medical records reviewed and maintained by the department of safety pursuant to Section 1 of this act shall be treated as confidential except in compliance with a subpoena or upon order of a court of record.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2000, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Scroggs moved the previous question, which motion prevailed.

Rep. J. DeBerry moved that **House Bill No. 3051**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	64
Noes	17
Present and not voting	6

Representatives voting aye were: Armstrong, Baird, Beavers, Black, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis (Washington), DeBerry J., Eckles, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Hassell, Head, Hood, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rinks, Roach, Sargent, Scroggs, Sharp, Stulce, Todd, Turner (Shelby), Walker, Walley, Williams, Wood, Mr. Speaker Naifeh – 64.

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Representatives voting no were: Arriola, Bone, Davidson, Ferguson, Fraley, Jackson, Lewis, Newton, Phillips, Sands, Tidwell, Towns, West, White, Windle, Winningham -- 17.

Representatives present and not voting were: Caldwell, DeBerry L., Dunn, Harwell, Jones U., Miller -- 6.

A motion to reconsider was tabled.

House Bill No. 2449 -- Wildlife Resources Commission - Directs wildlife resources commission and wildlife resources agency to report to committees of general assembly on means and revenue effect of advertising in matters under TWRA jurisdiction and revenue effect of license exemptions Amends TCA Title 70. by *Bittle. (*SB2400 by *Ramsey)

Rep. Bittle moved that House Bill No. 2449 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 2.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 3.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 4.

Rep. Odom moved adoption of Conservation and Environment Committee Amendment No. 1 as House Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 2449 By deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 70-1-302, is amended by adding the following new subsections:

(f) The agency may sell advertising in any magazine or other publication of the agency, under terms and conditions to be set by the agency. The revenue generated from such advertising shall be deposited exclusively in the wildlife resources fund provided in Section 70-1-401. Any person or entity purchasing such advertising shall include an appropriate disclaimer, as determined by and subject to approval of the agency, to insure that the appearance of such advertising in an agency publication does not constitute, directly or indirectly, any endorsement by the agency of any products, services, companies, organizations, or other matters referenced in the advertising.

(g) The agency may sell the right to include advertising in mailings sent by the agency, including but not limited to licenses, under terms and conditions set by the agency, provided that any advertisers must comply with the disclaimer requirements of subsection (f). The revenue generated from such advertising shall be deposited exclusively in the wildlife resources fund provided in Section 70-1-401.

(h) The agency may sell any mailing lists in its possession, including but not limited to the "remote easy access licensing" list, under terms and conditions set by the agency. The revenue generated from such sales shall be deposited exclusively in the wildlife resources fund provided in Section 70-1-401.

SECTION 2. Tennessee Code Annotated, Section 70-1-401(a), is amended by inserting prior to subdivision (1) after the language "in payment of licenses," the language "advertising, sale of mailing lists,".

SECTION 3. Tennessee Code Annotated, Section 70-1-401(b), is amended by inserting after the language "from the sale of licenses," the language "advertising, sale of mailing lists,".

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Conservation and Environment Committee Amendment No. 1 as House Amendment No. 5 was adopted.

Rep. Odom moved adoption of Conservation and Environment Committee Amendment No. 2 as House Amendment No. 6 as follows:

Amendment No. 6

AMEND House Bill No. 2449 by adding the following new section and by renumbering the subsequent sections accordingly:

SECTION ____ Tennessee Code Annotated, Section 70-2-104, is amended by adding the following new subsection:

(c) (1) The license fee discounts and exemptions provided in subsection (a) shall apply to qualified residents of Tennessee who apply for such discounts or exemptions prior to the effective date of this act.

(2) For qualified residents of Tennessee who have not applied for such discounts or exemptions prior to the effective date of this act, there shall be imposed a one-time ten dollar (\$10.00) fee for such license; provided, that such fee shall not apply to the exemption granted in subitem (4)(A) of subsection (a).

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(3) Any qualified resident of Tennessee who has applied for such discount or exemption prior to the effective date of this act may nevertheless make a voluntary payment of the one-time ten dollar (\$10.00) fee and upon making such payment shall be issued a license in accordance with the provisions of this section.

On motion, Conservation and Environment Committee Amendment No. 2 as House Amendment No. 6 was adopted.

Rep. Odom moved adoption of Conservation and Environment Committee Amendment No. 3 as House Amendment No. 7 as follows:

Amendment No. 7

AMEND House Bill No. 2449 by adding the following new section and by renumbering the subsequent sections accordingly:

SECTION ____ Tennessee Code Annotated, Title 70, Chapter 2, Part 2, is amended by adding the following new section:

70-2-225. The commission is authorized to promulgate rules and regulations establishing permit fees for camping and other recreational activities on public lands under the agency's management or control and on agency lakes.

SECTION ____ Tennessee Code Annotated, Section 70-2-212, is amended by adding the following new subsection:

(c) The agency is authorized to impose reasonable charges to defray expenses for stocking fish in private ponds. The charges may reflect the agency's costs for raising and transporting the fish along with other associated costs.

On motion, Conservation and Environment Committee Amendment No. 3 as House Amendment No. 7 was adopted.

Rep. Odom moved adoption of Conservation and Environment Committee Amendment No. 4 as House Amendment No. 8 as follows:

Amendment No. 8

AMEND House Bill No. 2449 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 70-2-204, is amended by adding the following new subsection to be designated as subsection (b) and appropriately redesignating existing subsection (b):

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(b) Each person claiming a license exemption under subsection (a) shall provide identification and shall submit a sworn affidavit at the time of presenting any game or wildlife to any officer of the agency or to any check station containing information sufficient to demonstrate that such person has complied with the requirements of subsection (a). The commission shall publish rules specifying the form of identification and the information to be contained in the affidavit and shall prepare a pre-printed form for convenience of use. Submission of false information in this affidavit is a Class C misdemeanor.

On motion, Conservation and Environment Committee Amendment No. 4 as House Amendment No. 8 was adopted.

Rep. Bittle moved adoption of Amendment No. 9 as follows:

Amendment No. 9

AMEND House Bill No. 2449 by deleting subsection (h) of Section 1 of the bill, as amended.

AND FURTHER AMEND in Sections 2 and 3 of the bill, as amended, by deleting the language "sale of mailing lists,".

On motion, Amendment No. 9 was adopted.

Rep. Bittle moved that **House Bill No. 2449**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Winningham -- 1.

A motion to reconsider was tabled.

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House Bill No. 2688 -- Custody and Support - Directs that any child support payment made to department of human services without coupon or necessary identifying information is delinquent and subject to enforcement remedies and, in commissioner's discretion, civil penalty may be imposed. Amends TCA Title 36, Chapter 5, Part 1. by *Chumney, *Maddox, *DeBerry J, *DeBerry L, *Fowlkes, *Brown, *McMillan, *Black, *Patton, *Scroggs, *White, *Williams (Williamson). (*SB2398 by *Kyle)

Rep. Chumney moved that House Bill No. 2688 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

House Bill No. 2480 -- Highway Signs - "McCall Lewis Highway," segment of U.S. 412 in Henderson County. by *McDaniel, *Sharp. (*SB2268 by *Springer, P)

On motion, House Bill No. 2480 was made to conform with **Senate Bill No. 2268**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 2268 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2268 By renumbering Sections 4 and 5 as Sections 6 and 7, respectively, and by inserting the following language as new Sections 4 and 5:

SECTION 4. The department of transportation shall not erect the signs provided for by this act until the local government having jurisdiction over the location of the signs pays to the department a fee equal to the amount necessary to defray the expense of the signs, as determined by the department.

SECTION 5. If the signs provided for hereunder are to be located on a road other than a road designated as an interstate highway, the local government having jurisdiction over the location of the signs may, in lieu of paying the fee required by Section 4, supply to the department of transportation the signs provided for in this act. Any signs supplied by local government must be manufactured in accordance with standards established by the department of transportation, including, but not limited to, the Manual on Uniform Traffic Control Devices.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. McDaniel moved that **Senate Bill No. 2268**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 91
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 2481 -- Highway Signs - "The Casey Jones/Carl Perkins Legends Highway," I-40, Madison County. by *McDaniel, *Sharp, *Kisber. (*SB2346 by *Carter)

On motion, House Bill No. 2481 was made to conform with **Senate Bill No. 2346**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 2346 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2346 By renumbering Sections 4 and 5 as Sections 6 and 7, respectively, and by inserting the following language as new Sections 4 and 5:

SECTION 4. The department of transportation shall not erect the signs provided for by this act until the local government having jurisdiction over the location of the signs pays to the department a fee equal to the amount necessary to defray the expense of the signs, as determined by the department.

SECTION 5. If the signs provided for hereunder are to be located on a road other than a road designated as an interstate highway, the local government having jurisdiction over the location of the signs may, in lieu of paying the fee required by Section 4, supply to the department of transportation the signs provided for in this act. Any signs supplied by local government must be manufactured in accordance with standards established by the department of transportation, including, but not limited to, the Manual on Uniform Traffic Control Devices.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. McDaniel moved that **Senate Bill No. 2346**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***Senate Bill No. 2876** -- Insurance Companies, Agents, Brokers, Policies - Limits definition of health and accident insurance unless otherwise specifically provided. Amends TCA Title 56. by *Atchley. (HB2484 by *McDaniel, *Walker (Rhea), *Turner (Shelby), *Rhinehart, *Gunnels, *Wood)

Further consideration of Senate Bill No. 2876 previously considered on March 16, 2000, March 23, 2000 and April 13, 2000 at which time it was reset for today's Calendar.

Rep. Montgomery moved the previous question, which motion prevailed.

Rep. McDaniel moved that **Senate Bill No. 2876**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 67
Noes 16
Present and not voting 6

Representatives voting aye were: Arriola, Baird, Bittle, Bone, Boyer, Buck, Bunch, Buttry, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Head, Hood, Kent, Kerr, Kisber, Lewis, McAfee, McCord, McDaniel, McDonald, McKee, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Turner (Shelby), Walker, Walley, Westmoreland, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, DeBerry L., Hargrove, Jackson, Kernell, Maddox, Miller, Odom, Rinks, Towns, West, White, Winningham -- 16.

Representatives present and not voting were: Beavers, Black, Briley, Chumney, Jones U., Tidwell -- 6.

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A motion to reconsider was tabled.

House Bill No. 3062 -- DUI/DWI Offenses - Directs that prior conviction appearing on official driver record maintained by department of safety be considered prima facie evidence that such conviction occurred for purposes of prosecuting second or subsequent DUI offenses. Amends TCA Title 55, Chapter 10, Part 4. by *Jackson, *Briley, *Scroggs, *Newton. (*SB2320 by *Rochelle, *Graves, *Davis L, *Haun, *McNally, *Williams, *Kurita)

Further consideration of House Bill No. 3062 previously considered on May 11, 2000, at which time it was reset for today's Calendar.

House Bill No. 2970 -- TennCare - Clarifies that TennCare subrogation interest is fully recoverable regardless of whether enrollee made whole or other creditors paid; abrogates common law principles of equity to extent necessary to ensure full state recovery from third parties; retroactive to 1/1/00. Amends TCA Title 71, Chapter 5, Part 1. by *Jackson. (*SB2871 by *Springer, P, *Haynes)

Further consideration of House Bill No. 2970 previously considered on May 11, 2000, at which time it was reset for today's Calendar.

Rep. Jackson moved that House Bill(s) No(s). 3062 and 2970 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

***House Bill No. 2117** -- Firearms and Ammunition - Expands circumstances under which law enforcement officer may carry weapons. Amends TCA Title 39, Chapter 17, Part 13. by *Buck, *Hargett, *Godsey, *Windle, *Todd, *Pleasant, *Sharp, *Black, *Patton, *Dunn, *Bittle. (SB2587 by *Burks)

Further consideration of House Bill No. 2117 previously considered on May 11, 2000, at which time it was reset for today's Calendar.

Rep. Pinion moved that House Bill No. 2117 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

***House Bill No. 2297** -- Children - Allows court to order grandparent visitation of minor grandchildren under certain circumstances. Amends TCA Section 36-6-306 and Section 36-6-307. by *Patton, *Bunch, *Maddox, *Whitson, *Chumney, *Scroggs, *Black, *Beavers, *Davis (Washington), *Tidwell, *Ford S, *Givens, *Kent, *Todd, *Westmoreland, *Pinion, *Montgomery, *White, *Winningham, *Kernell, *Turner (Hamilton), *Mumpower, *Godsey, *Baird, *Ferguson. (SB3275 by *Haynes)

Further consideration of House Bill No. 2297 previously considered on May 11, 2000, at which time it was reset for today's Calendar.

Rep. Patton moved that House Bill No. 2297 be passed on third and final consideration.

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Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2297 by deleting all language after the enacting clause and by substituting instead the following:

WHEREAS, it is sound public policy to provide children with the stability and continuity of meaningful relationships in their lives; and

WHEREAS, if a grandparent has had a significant existing relationship with a child, a loss of that relationship could be a severe emotional and psychological blow to the child; and

WHEREAS, the Tennessee Supreme Court has concluded that ordering grandparent visitation without first finding a danger of substantial harm to the child is unconstitutional because it violates the constitutional rights of the child's parents; and

WHEREAS, it is desirable to strike a balance between protection of parents' constitutional rights and providing protection of children's needs; now, therefore; BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-306, is amended by deleting that section in its entirety and by substituting instead the following:

(a) Any of the following circumstances, when presented in a petition for grandparent visitation to a court of competent jurisdiction, raise a rebuttable presumption of a danger of substantial harm, necessitating a hearing if such grandparent visitation is opposed by the custodial parent or parents:

(1) The father or mother of an unmarried minor child is deceased;

(2) The child's father and mother are divorced or legally separated;

(3) The child's father or mother has been missing for not less than six (6) months; or

(4) The court of another state has ordered grandparent visitation.

(b)(1) In considering a petition for grandparent visitation, the court shall first determine the presence of a danger of substantial harm to the child. Such finding of substantial harm may be based upon cessation of the relationship between an unmarried minor child and the child's grandparent if the court determines, upon proper proof, that:

(A) the child had such a significant existing relationship with the grandparent that loss of the relationship is likely to occasion severe emotional harm to the child;

(B) the grandparent functioned as primary caregiver such that cessation of the relationship could interrupt provision of the daily needs of the child and thus occasion physical or emotional harm; or

(C) the child had a significant existing relationship with the grandparent and loss of the relationship presents the danger of other direct and substantial harm to the child.

(2) For purposes of this section, a grandparent shall be deemed to have a significant existing relationship with a grandchild if:

(A) The child resided with the grandparent for at least six (6) consecutive months;

(B) The grandparent was a full-time caretaker of the child for a period of not less than six (6) consecutive months; or

(C) The grandparent had frequent visitation with the child who is the subject of the suit for a period of not less than one (1) year.

(c) Upon an initial finding of danger of substantial harm to the child, the court shall then determine whether grandparent visitation would be in the best interests of the child based upon the factors in § 36-6-307. Upon such determination, reasonable visitation may be ordered.

(d)(1) Notwithstanding the provisions of Section 36-1-121, if a relative or stepparent adopts a child, the provisions of this section apply.

(2) If a person other than a relative or a stepparent adopts a child, any visitation rights granted pursuant to this section before the adoption of the child shall automatically end upon such adoption.

SECTION 2. Tennessee Code Annotated, Section 36-6-307, is amended by deleting the section in its entirety and by substituting instead the following:

In determining the best interests of the child under § 36-6-306, the court shall consider all pertinent matters, including, but not necessarily limited to, the following:

(1) The length and quality of the prior relationship between the child and the grandparent and the role performed by the grandparent;

(2) The existing emotional ties of the child to the grandparent;

(3) The preference of the child if the child is determined to be of sufficient maturity to express a preference;

(4) The effect of hostility between the grandparent and the parent of the child manifested before the child, and the willingness of the grandparent, except in case of abuse, to encourage a close relationship between the child and the parent(s) or guardian(s) of the child;

(5) The good faith of the grandparent in filing the petition;

(6) If the parents are divorced or separated, the time-sharing arrangement that exists between the parents with respect to the child; and

(7) If one (1) parent is deceased or missing, the fact that the grandparents requesting visitation are the parents of the deceased or missing person.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Maddox moved that House Bill No. 2297 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

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House Bill No. 3067 -- Financial Disclosure - Deletes maximum aggregate contribution limit of 50 percent of total contributions for offices elected by statewide elections and \$75,000 in aggregate for any other state or local public office which candidates may accept from multicandidate political campaign committees for each election. Amends TCA Title 2, Chapter 10. by *Kisber. (*SB2738 by *Rochelle)

Further consideration of House Bill No. 3067 previously considered on today's Calendar.

On motion, House Bill No. 3067 was made to conform with **Senate Bill No. 2738**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2738 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2738 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-20-302(d), is amended by adding the following language at the end of the subsection:

If the registry determines that a candidate has exceeded the limits set forth in subdivision (1) or (2), the registry shall notify the candidate within five (5) business days of such fact and the candidate shall have ten (10) business days after the receipt of such notification to return or refund the excess to the person(s) who made the contribution(s) before the acceptance of such contribution(s) becomes a violation of this part.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. McDaniel moved that Senate Bill No. 2738 be reset for the Regular Calendar on May 17, 2000, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 691 -- Podiatrists - Redefines "podiatrist" to include treatment of foot as well as ankle and related soft tissue structures, including treatment of local manifestations of systemic disorders by all appropriate means and modalities. Amends TCA Section 63-3-101. by *Jones, S., *Arriola, *Jackson, *Davis (Washington), *Bowers, *Kerr, *Pinion, *Dunn. (*SB695 by *Herron)

Senate Amendment No. 2

AMEND House Bill No. 691 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-3-101, is amended by deleting the existing language in its entirety and substituting instead the following:

(a) Within this chapter, a "podiatrist" means one who examines, diagnoses, or treats medically, mechanically, or surgically, the ailments of the human foot, ankle and soft tissue structures extending no higher than the distal tibial metaphyseal flair, including the use and prescribing of drugs and medications, but excluding the direct applications of general anesthesia by a podiatrist and the amputation of the foot. A podiatrist may perform Achilles tendon repair, subject to the provisions of subsection (b), but may not perform surgery on Pilon fractures or tibial fractures which do not enter the ankle joint.

(b) A licensed podiatrist may perform ankle surgery only when that podiatrist meets the requirements of either (1) or (2) below:

(1) Has completed a surgical residency program at least twenty-four (24) months in length which has been approved by the Council on Podiatric Medical Education and is currently certified by the American Board of Podiatric Surgery to perform foot and ankle surgery; provided, however, a podiatrist who qualifies to perform ankle surgery under subdivision (1) must obtain recertification to perform reconstructive rearfoot/ankle surgery from the American Board of Podiatric Surgery by December 31, 2002 if that podiatrist was certified to perform foot and ankle surgery by the American Board of Podiatric Surgery prior to 1992; or

(2) Has completed a surgical residency program at least twenty-four (24) months in length which has been approved by the Council on Podiatric Medical Education and is currently eligible for certification to perform reconstructive rearfoot/ankle surgery by the American Board of Podiatric Surgery; provided, however, a podiatrist who qualifies to perform ankle surgery under subdivision (2) must obtain certification to perform reconstructive rearfoot/ankle surgery from the American Board of Podiatric Surgery within five (5) years of first becoming eligible for such certification and may not continue to perform ankle surgery if he or she has not obtained certification within that five (5) year period.

(c) A licensed podiatrist may perform ankle surgery only in a JCAHO-accredited hospital or ambulatory medical treatment center licensed under Title 68 at which the podiatrist has surgical privileges to perform ankle surgery. A podiatrist who performs ankle surgery in an ambulatory surgical treatment center must first have surgical privileges to perform ankle surgery at a local hospital. A licensed podiatrist who performs ankle surgery must meet the same standard of care applicable to orthopaedic surgeons who perform ankle surgery.

(d) Licensed podiatrists may perform non-surgical care on the ankle without meeting the requirements of subsection (b).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 4

AMEND House Bill No. 691 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-3-101, is amended by deleting the existing language in its entirety and substituting instead the following:

(a) Within this chapter, a "podiatrist" means one who examines, diagnoses, or treats medically, mechanically, or surgically, the ailments of the human foot, ankle and soft tissue structures that control functions of the human foot, including the use and prescribing of drugs and medications, but excluding the direct applications of general anesthesia by a podiatrist and the amputation of the foot. A podiatrist may perform Achilles tendon repair, subject to the provisions of subsection (b), but may not perform surgery on Pilon fractures or tibial fractures which do not enter the ankle joint.

(b) A licensed podiatrist may perform ankle surgery only when that podiatrist meets the requirements of either (1) or (2) below:

(1) Was prior to October 2, 1995, credentialed to perform ankle surgery by a JCAHO-accredited hospital or ambulatory surgical treatment center; provided, however, a podiatrist who qualifies to perform ankle surgery under subdivision (1) must obtain certification to perform reconstructive rearfoot/ankle surgery from the American Board of Podiatric Surgery by December 31, 2005, and may not continue to perform ankle surgery if that podiatrist has not obtained certification by that date; or

(2) Has completed a surgical residency program at least twenty-four (24) months in length which has been approved by the Council on Podiatric Medical Education and is currently eligible for certification to perform reconstructive rearfoot/ankle surgery by the American Board of Podiatric Surgery; provided, however, a podiatrist who qualifies to perform ankle surgery under subdivision (2) must obtain certification to perform reconstructive rearfoot/ankle surgery from the American Board of Podiatric Surgery within six (6) years of the effective date of this act or within six (6) years of first becoming eligible for certification, whichever date is later, and may not continue to perform ankle surgery if that podiatrist has not obtained certification by the end of the six (6) year period.

(c) A licensed podiatrist may perform ankle surgery only in a JCAHO-accredited hospital or ambulatory surgical treatment center licensed under Title 68 at which the podiatrist has surgical privileges to perform ankle surgery. A podiatrist who performs ankle surgery in an ambulatory surgical treatment center must first have surgical privileges to perform ankle surgery at a local hospital. A licensed podiatrist who performs ankle surgery must meet the same standard of care applicable to orthopaedic surgeons who perform ankle surgery.

(d) Licensed podiatrists may perform non-surgical care on the ankle without meeting the requirements of subsection (b).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 1 to 4

AMEND Senate Amendment No. 4 by deleting in Section 1(a) the language "that control functions of the human foot" and by substituting instead the language "extending no higher than the distal tibial metaphyseal flair".

AND FURTHER AMEND in Section 1(b) by adding the language "JCAHO-accredited" between the word "or" and the word "ambulatory".

Rep. S. Jones moved that the House concur in Senate Amendment(s) No(s). 2 and 4 as amended to **House Bill No. 691**, which motion prevailed by the following vote:

Ayes..... 93
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1022 -- Housing - Authorizes city housing authority to add non-voting member who is tenant of housing authority in good standing for six months before being appointed to authority. Amends TCA Title 13, Chapter 20. by *Jackson. (*SB442 by *Graves)

Further consideration of House Bill No. 1022 previously considered on May 11, 2000, at which time it was reset for today's Message Calendar.

Rep. Jackson moved that House Bill No. 1022 be reset for the Message Calendar on May 17, 2000, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1189 -- Fiduciaries - Rewrites "Uniform Principal and Income Act." Amends TCA Title 35, Chapter 6. by *McMillan, *Rhinehart, *Fowlkes, *Boyer, *Sands. (*SB837 by *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 1189 by deleting Section 35-6-103(b) of SECTION 1 and by substituting instead the following:

(b) In exercising the power to adjust under Section 35-6-104(a) or a discretionary power of administration regarding a matter within the scope of this chapter, whether granted by the terms of a trust, or will or this chapter, a fiduciary shall administer a trust or estate impartially, based on what is fair and reasonable to all of the beneficiaries, considering any terms of the trust or the will manifesting the trustors' or testators' intention that the fiduciary shall or may favor one or more of the beneficiaries. A determination in accordance with this chapter is presumed to be fair and reasonable to all of the beneficiaries.

AND FURTHER AMEND by deleting from Section 35-6-104(a) of SECTION 1 the language "if the trustee invests and manages trust assets as a prudent investor, the terms of the trust describe the amount that may or must be distributed to a beneficiary by referring to the trust's income, and the trustee determines, after applying the rules in Section 35-6-103(a), that the trustee is unable to comply with Section 35-6-103(b)," and by substituting instead the following language:

"if:

(1) the trustee invests and manages trust assets as a prudent investor;

(2) the terms of the trust describe the amount that may or must be distributed to a beneficiary by referring to the trust's income; and

(3) the trustee determines, after applying the rules in Section 35-6-103(a), that the trustee is unable to comply with Section 35-6-103(b)".

AND FURTHER AMEND by deleting from Section 35-6-104(b) of SECTION 1 the language "In deciding whether and to what extent to exercise the power conferred by subsection (a), a trustee shall consider all factors relevant to the trust and its beneficiaries, including the following factors to the extent that they are relevant:" and by substituting instead the language "In deciding whether and to what extent to exercise the power to make adjustments under this section, the trustee may consider, but is not limited to, any of the following:".

AND FURTHER AMEND by adding the following language to Section 35-6-104 of SECTION 1, as a new subsection (g):

(g) Nothing in this section or in this chapter is intended to create or imply a duty to make an adjustment, and a trustee is not liable for not considering whether to make an adjustment or for choosing not to make an adjustment.

AND FURTHER AMEND by adding the following language as a new section 35-6-105 to

SECTION 1:

Section 35-6-105 Optional Notice. (a) A trustee may, but is not required to, give a notice of proposed action regarding a matter governed by this chapter as provided in this section. For the purpose of this section, a proposed action includes:

(1) an individual action;

(2) a course of action; or

(3) a decision not to take action.

(b) If the trustee decides to give notice, the trustee shall mail notice of the proposed action to all adult beneficiaries who are receiving, or are entitled to receive, income under the trust or to receive a distribution of principal if the trust were terminated at the time the notice is given.

(c) Notice of proposed action need not be given to any person who consents in writing to the proposed action. The consent may be executed at any time before or after the proposed action is taken.

(d) The notice of proposed action shall state that it is given pursuant to this section and shall state all of the following:

(1) The name and mailing address of the trustee;

(2) The name and telephone number of a person who may be contacted for additional information;

(3) A description of the action proposed to be taken and an explanation of the reasons for the action;

(4) The time within which objections to the proposed action can be made, which shall be at least sixty (60) days from the mailing of the notice of proposed action; and

(5) The date on or after which the proposed action may be taken or is effective.

(e) A beneficiary may object to the proposed action by mailing a written objection to the trustee at the address stated in the notice of proposed action within the time period specified in the notice of proposed action.

(f) A trustee is not liable to a beneficiary for an action regarding a matter governed by this chapter if the trustee does not receive a written objection to the proposed action from the beneficiary within the applicable period and the other requirements of this section are satisfied. If no beneficiary entitled to notice objects under this section, the trustee is not liable to any current or future beneficiary with respect to the proposed action.

(g) If the trustee receives a written objection within the applicable period, either the trustee or a beneficiary may petition the court to have the proposed action taken as proposed, taken with modifications, or denied. In the proceeding, a beneficiary objecting to the proposed action has the burden of proving that the trustee's proposed action should not be taken. A beneficiary who has not objected is not estopped from opposing the proposed action in the proceeding. If the trustee decides not to implement the proposed action, the trustee shall notify the beneficiaries of the decision not to take the action and the reasons for the decision, and the trustee's decision not to implement the proposed action does not itself give rise to liability to any current or future beneficiary. A beneficiary may petition the court to have the action taken, and has the burden of proving that it should be taken.

AND FURTHER AMEND by adding the following language as a new Section 36-5-106 to SECTION 1:

Section 35-6-106. Remedy. With respect to a trustee's exercise or nonexercise of the power to make an adjustment under Section 36-5-104, the sole remedy is to direct, deny, or revise an adjustment between principal and income.

AND FURTHER AMEND by adding the following language as a new Section 35-6-107 to SECTION 1:

Section 35-6-107. Records. A trustee who elects to exercise any power or not to exercise any power under this chapter shall maintain only such records that may be necessary or appropriate in the discretion of the trustee to support such determination at the time the determination is made and shall not be required to maintain records not necessary for the administration of the trust.

AND FURTHER AMEND by deleting the language "1999" in Section 35-6-602 of SECTION 1, and by substituting instead the language "2000".

AND FURTHER AMEND by deleting from SECTION 4, the language "1999" and by substituting instead the language "2000".

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1189**, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1601 – Professions and Occupations - Adds prohibition against performing activities, without license, within scope of practice of licensed professional counselors; changes name of counseling association; creates exception from licensure prohibition for person preparing for practice under supervision and for minister, priest and rabbi. Amends TCA Title 63, Chapter 22, Part 1. by *Lewis. (*SB1097 by *Cooper)

Senate Amendment No. 1

AMEND House Bill No. 1601 In the amendatory language of Section 3 by deleting the language " licensed professional counselors as defined in Tennessee Code Annotated, Section 63-22-150(4) or of licensed professional counselors designated as mental health service providers" and by substituting instead the language "persons licensed under this chapter who are designated as mental health service providers".

AND FURTHER AMEND in Section 4 by deleting the language " licensed as a professional counselor designated as a mental health service provider" and by substituting instead the language "or designated as a mental health service provider under this chapter".

AND FURTHER AMEND in the first undesignated subsection of Section 5 by inserting the language "or the practice permitted to persons designated as a mental health service provider pursuant to this chapter" between the language "counseling" and "under".

Senate Amendment No. 2

AMEND House Bill No. 1601 In the amendatory language of Section 3 by deleting the language " licensed professional counselors as defined in Tennessee Code Annotated, Section 63-22-150(4) or of licensed professional counselors designated as mental health services providers" and by substituting instead the language "persons licensed under this chapter who are designated as mental health service providers".

AND FURTHER AMEND in Section 4 by deleting the language "licensed as a professional counselor designated as a mental health service provider" and by substituting instead the language "or designated as a mental health service provider under this chapter".

AND FURTHER AMEND in the first undesignated subsection of Section 5 by inserting the language "or the practice permitted to persons designated as a mental health service provider pursuant to this chapter" between the language "counseling" and "under".

Rep. Lewis moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 1601**, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2140** – Taxes, Real Property - Exempts from property taxes certain public radio stations with educational programming. Amends TCA Title 67, Chapter 5, Part 2. by *West, *Langster, *Hargrove. (SB2172 by *Harper, *Burks)

Senate Amendment No. 3

AMEND House Bill No. 2140 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-212, is amended by adding a new subsection thereto, as follows:

() The general assembly finds that public radio broadcasting serves a valid educational purpose so long as the broadcaster holds an educational broadcast license issued by the federal communications commission; and, therefore, that property, or any part thereof, owned by a public radio station which is an affiliate member of the public broadcasting network, and which holds such a license, whether as a transferee, successor, or otherwise, of a license formerly held by the public library board of any county having a metropolitan form of government, shall be exempt from property taxation to the extent the property is used in a manner consistent with the license.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and in addition to prospective application it shall apply to applications for exemption pending or under appeal at the state board of equalization on the effective date of this act.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2140**, which motion prevailed by the following vote:

Ayes.....	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2318** -- Education, Higher - Requires THEC to develop and enforce policies for transfer of credits among various institutions of higher education and structuring of courses at such institutions to facilitate this. Amends TCA Title 49, Chapter 7, by *Kisber, *Davidson, *Head, *Cole (Dyer), *McMillan, *Hargrove, *Rinks, *DeBerry L., *Cooper B, *DeBerry J, *Stulce, *Montgomery, *Davis (Washington), *Turner (Hamilton), *Walker (Rhea), *Buttry, *Eckles, *Hood, *Naifeh, *Fitzhugh, *Maddox, *Baird. (SB2572 by *Cooper, *Womack, *Graves, *Crowe, *Burks, *Blackburn, *Kurita)

Senate Amendment No. 2

AMEND House Bill No. 2318 by adding a new subsection at the end of the amendatory language of Section 1 as follows:

(f) The commission shall have on-going responsibility to update and revise the plans implemented pursuant to subsections (d) and (e) of this section and report to the joint education oversight committee and the chairs of the finance, ways and means committees in both the house of representatives and the senate no later than October 1 of each year on the progress made toward full articulation between all public institutions.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2318**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2332 -- Education, Higher - Requires THEC evaluation and approval of any new branch or satellite campuses of existing state institutions of higher education. Amends TCA Title 49, Chapters 7, 8 and 9. by *Kisber. (*SB2166 by *Cooper)

Senate Amendment No. 1

AMEND House Bill No. 2332 by deleting Section 1 in its entirety and replacing it with the following:

Section 1. Tennessee Code Annotated, Section 49-7-202(c), is amended by adding the following new subdivision:

(A) Review and approve or disapprove all proposals by any existing higher education institution to establish a physical presence at any location other than its main campus, or to expand an existing location, which will be utilized for administrative purposes or to offer courses for which academic credit is offered. The commission shall develop policies and procedures governing this process. The provisions of this subdivision shall apply to state technology centers.

(B) Within thirty (30) days following the submission of the budget by the governor to the general assembly, the commission shall prepare a report which analyzes the effect which off-site academic locations have on the distribution of formula funding to the main campuses. This report shall be provided to the governor, speakers of the senate and house of representatives, the chairs of the finance, ways and means, education, and fiscal review committees, the office of legislative budget analysis, and the commissioner of finance and administration.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2332**, which motion prevailed by the following vote:

Ayes	91
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hagood, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Baird, Goins -- 2.

Representatives present and not voting were: Harwell -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2423 -- Sunset Laws - Board of boiler rules, June 30, 2008. Amends TCA Title 4, Chapter 29, and Title 68, Chapter 122. by *Kernell, *Garrett, *Brooks. (*SB2104 by *Springer, P, *Burchett, *Harper)

Senate Amendment No. 1

AMEND House Bill No. 2423 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-225(a), is amended by adding a new item thereto, as follows:

() Board of boiler rules, created by Section 68-122-101;

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2423**, which motion prevailed by the following vote:

Ayes..... 91
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2650 -- Highways, Roads and Bridges - Broadens offense of driving on revoked, cancelled or suspended license to apply to driving "within the entire width between the boundary lines of every way publicly maintained which is open to the use of the public for purposes of vehicular travel, or the premises of any shopping center, trailer park or apartment house complex or any other premises frequented by the public at large" instead of applying to driving "on any public highway." Amends TCA Title 55, Chapter 50, Part 5. by *McMillan. (*SB2290 by *McNally, *Crowe, *Graves, *Williams)

Senate Amendment No. 2

AMEND House Bill No. 2650 by deleting from Section 1 and Section 2 the words "on any public highway in this state" and by substituting instead the following:
on any public highway of this state

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2650**, which motion prevailed by the following vote:

Ayes..... 95
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2794** -- Children - Broadens child bicycle helmet requirements to include any highway, street or sidewalk; Amends TCA Title 55, Chapter 52. by *Herron, *Kurita. (HB3194 by *Sands, *Caldwell, *Hood, *Eckles, *Fowlkes, *Williams (Williamson), *Arriola, *McDonald, *Maddox, *Robinson, *Newton, *McMillan, *Harwell, *Roach, *Fraley, *Turner (Hamilton))

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 2794

Pursuant to **Rule No. 73**, Representative Sands moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 2794, which motion prevailed.

The Speaker appointed Representatives Sands, Black and Eckles as the House members of the Conference Committee on Senate Bill No. 2794.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2914 -- Victims' Rights - Specifies information that law enforcement agencies shall provide to victims of crime. Amends TCA Title 40. by *Scroggs, *Newton, *Hargrove, *Langster, *Black, *Godsey, *Ford S, *Sharp, *McDaniel, *Todd, *Bunch, *Hagood, *Hargett, *Walker (Rhea), *Davis (Washington), *Wood, *Buttry, *Hassell, *Beavers, *Pleasant, *Baird, *Bittle, *Stulce, *Sargent, *Boyer, *Turner (Hamilton), *Dunn, *Maddox, *Fitzhugh, *Roach, *McKee. (*SB2517 by *Herron, *Burks, *Blackburn, *Williams, *Kurita)

Senate Amendment No. 1

AMEND House Bill No. 2914 by deleting the following words, figures and symbols from the amendatory language of Section 1(3) of the printed bill:

with the following statement attached: "If within sixty (60) days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case

Rep. Scroggs moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2914**, which motion prevailed by the following vote:

Ayes..... 95
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2917 -- Victims' Rights - Directs prosecuting attorney to confer with victim prior to final disposition of criminal offense. Amends TCA Title 40. by *Scroggs, *Newton, *Hargrove, *Langster, *Naifeh, *McDonald, *Davidson, *Bone, *Hood, *Goins, *Sharp, *Godsey, *Todd, *McDaniel, *Wood, *Davis (Washington), *Hagood, *Bunch, *Black, *Hassell, *Beavers, *Baird, *Hargett, *McCord, *Odom, *Buttry, *Montgomery, *Briley, *McMillan, *Maddox, *Fitzhugh, *Bittle, *Arriola, *Lewis. (*SB2511 by *Herron, *Burks, *Blackburn, *Williams, *Kurita)

Senate Amendment No. 2

AMEND House Bill No. 2917 delete 40-38-___(a) and substitute:

The prosecuting attorney shall confer with the victim prior to the final disposition of a criminal offense, including the views of the victim regarding a decision not to proceed with a criminal prosecution or a decision to dismiss a charge or to enter into plea or sentencing agreements, or the views regarding a decision to enter a pre-trial or other type diversion program.

Rep. Scroggs moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2917**, which motion prevailed by the following vote:

Ayes..... 94
Noes..... 0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2919 -- Victims' Rights - Permits victim to have crime victim advocate or victim-witness coordinator present at any prosecutorial or defense interviews if practical. Amends TCA Title 40. by *Scroggs, *Newton, *Hargrove, *Langster, *Naifeh, *McDonald, *Davidson, *Bone, *Hood, *Goins, *Godsey, *Todd, *McDaniel, *Davis (Washington), *Black, *Wood, *Bunch, *Hagood, *Buttry, *Hassell, *Baird, *Walker (Rhea), *Hargett, *Beavers, *Maddox, *Fitzhugh, *Whitson, *Bittle, *Boyer, *McCord, *Odom, *Montgomery, *McMillan, *Briley. (*SB2514 by *Herron, *Burks, *Blackburn, *Williams, *Kurita)

Senate Amendment No. 2

AMEND House Bill No. 2919 by deleting from the first sentence of the amendatory language of Section 1(a) the words "Any victim of crime has the right to have" and by substituting instead the following:

Any victim of crime may have

Rep. Scroggs moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2919**, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2921 -- Victims' Rights - Requires court to consider victim's views and victim's right to speedy trial when criminal proceeding continuances have been requested. Amends TCA Title 40. by *Scroggs, *Newton, *Hargrove, *Langster, *Naifeh, *McDonald, *Davidson, *Bone, *Hood, *Goins, *Godsey, *Todd, *McDaniel, *Davis (Washington), *Black, *Wood, *Bunch, *Hagood, *Buttry, *Hassell, *Baird, *Walker (Rhea), *Hargett, *Beavers, *Maddox, *Fitzhugh, *Whitson, *Bittle, *Boyer, *McCord, *Odom, *Montgomery, *McMillan, *Briley. (*SB2510 by *Herron, *Burks, *Blackburn, *Kurita, *Williams)

Senate Amendment No. 2

AMEND House Bill No. 2921 By deleting the language of House Amendment #1.

Senate Amendment No. 1

AMEND House Bill No. 2921 by deleting from the second sentence of the amendatory language of Section 1 of the printed bill the words and punctuation "If the continuance is granted," and by substituting instead the following:

If the continuance is granted over the victim's objection,

AND FURTHER AMEND by deleting Section 2 of the printed bill and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.

Rep. Scroggs moved that the House concur in Senate Amendment(s) No(s). 2 and 1 to **House Bill No. 2921**, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3014** -- Adoption - Expands purposes of foster care permanency hearings by increasing scope of permanency plans Amends TCA Title 37. by *Davis (Cocke). (SB3087 by *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 3014 by deleting from Section 1 the words "The purpose of these dispositional hearings shall be to determine the" and by substituting instead the following:

The purpose of these permanency hearings shall be to determine the

Rep. Davis (Cocke) moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3014**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Armstrong moved to lift from the table the motion to reconsider action in passing Senate Bill No. 3035, which motion prevailed.

Senate Bill No. 3035 -- Architects, Engineers and Designers - Deletes provision giving board of architects and engineers authority, subject to approval of department of commerce and insurance, to authorize one administrative person to attend state, regional and national registration meetings. Amends TCA Section 62-2-206. by *Crowe, *Henry. (*HB2881 by *Armstrong)

Rep. Armstrong moved to reconsider action in passing Senate Bill No. 3035, which motion prevailed.

Rep. Armstrong moved that Senate Bill No. 3035 be passed on third and final consideration.

Rep. Armstrong moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 3035 by adding after the words "The board may authorize" in the amendatory language of Section 1, as amended, the language ", subject to the approval of the department of commerce and insurance,".

On motion, Amendment No. 2 was adopted.

Rep. Armstrong moved that **Senate Bill No. 3035**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3048** -- Traffic Safety - Authorizes local law enforcement, department of safety, or department of transportation to remove wrecked or abandoned vehicles, spilled cargo, or personal property from roadways; authorizes billing owners for removal costs; requires owner notification; redefines when vehicles of drivers involved in accidents must be removed from roadways Amends TCA Title 54, Chapter 16. by *Westmoreland, *Todd, *Montgomery, *Roach. (SB3121 by *Haun)

Senate Amendment No. 1

AMEND House Bill No. 3048 By deleting the amendatory language of Section 1(b) in its entirety and by substituting instead the following:

(b)(1) Vehicles, cargo or personal property may be removed to any place within the immediate vicinity without any further action or obligation by the department of transportation, department of safety, local law enforcement agency or others acting at the direction of such department or agency. Provided, however, that in the event of a motor vehicle accident which results in apparent serious personal injury or death, no removal shall occur until a law enforcement officer determines that adequate information has been obtained for preparation of an accident report.

(2) When the property creating an obstruction or hazard to traffic is a motor carrier, as defined in § 65-15-102(4), the agency causing its removal shall make a reasonable effort to allow the owner of the vehicle to arrange for its removal and shall give due consideration to having the vehicle towed by a licensed towing service capable of safely moving the vehicle in question. The final decision on removal shall rest with the agency causing the removal.

AND FURTHER AMEND By deleting subsection (e) of the amendatory language of Section 1 in its entirety and by substituting instead the following:

(e)(1) Any liability of the department of safety or the department of transportation for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of §§ 9-8-301, *et seq.*

(2) Any liability of local law enforcement agencies for damage to vehicles or cargo resulting from removal pursuant to the provisions of this section shall be determined in accordance with the provisions of §§ 29-20-101, *et seq.*

AND FURTHER AMEND By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 55-10-117, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) When a motor vehicle traffic accident occurs with no apparent serious personal injury or death, the driver of each motor vehicle involved in such traffic accident, or any other occupant of any such motor vehicle who possesses a valid driver license, should remove the vehicle from the immediate confines of the roadway into a safe refuge on the shoulder, emergency lane, or median, or to a place otherwise removed from the roadway whenever, in the judgment of the driver, such moving of a vehicle may be done safely and the vehicle is capable of being normally and safely driven, does not require towing, and may be operated under its own power in its customary manner without further damage or hazard to itself, to the traffic elements, or to the roadway.

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The driver of such motor vehicle may request any person who possesses a valid driver license to remove such motor vehicle as provided in this section, and such person may comply with such request.

Rep. Westmoreland moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3048**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3064 -- Pensions and Retirement Benefits - Prohibits boards or other entities from enhancing any person's retirement benefits beyond what that person would otherwise receive as retiree in that class; requires refund of any extra benefits. Amends TCA Title 8, Chapter 36, Part 7. by *Kisber, *Walker (Rhea), *Davidson. (*SB3056 by *Cohen)

Senate Amendment No. 2

AMEND House Bill No. 3064 by deleting the last sentence of subsection (c) of the amendatory language in Section 1 of the bill, as amended, and substituting the following sentence:

The board of trustees of the University of Tennessee and the board of regents shall further send written notice to the speaker of the senate, the speaker of the house of representatives, the chairs of the senate standing committees on education and on finance, ways, and means, and the chairs of the house standing committees on education and finance, ways, and means of each emeritus appointment for which compensation or remuneration will be paid.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 3064**, which motion prevailed by the following vote:

Ayes 95
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 17, 2000:

House Bill No. 2546: by Rep. Bowers

House Bill No. 3250: by Rep. Bowers

House Bill No. 2766: by Rep. Todd

House Bill No. 2311: by Rep. Garrett

MOTION TO ADOPT REVISED HOUSE SCHEDULE

Rep. Hargrove moved that the House convene at 1:00 p.m. on Wednesday, May 17, 2000, which motion prevailed.

ANNOUNCEMENTS

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended in order to allow House Joint Resolution No. 743 to be heard in the House Finance, Ways and Means Committee, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 25: Rep(s). Head as prime sponsor(s).

ENGROSSED BILLS

May 15, 2000

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 3323.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 15, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3310, 3315, 3318, 3321 and 3323; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 492; concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2256 and 2891; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2169; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 15, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2655; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ENGROSSED BILLS

May 15, 2000

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 643 and 1559.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 15, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2449, 2957, 3051, 3326, 3327, 3330, 3331, 3322, also, House Joint Resolution(s) No(s) 493, 595, 714, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729 and 730.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 15, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 141, 881, 908, 2349, 2398, 2747, 3108, 3301, 3302, 3303, 3308 and 3309; all passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Bill No. 141** -- Sunset Laws - Department of correction, June 30, 2003. Amends TCA Title 4, Chapters 3 and 29. by *Springer, P, *Burchett, *Harper. (HB392 by *Kernell, *Garrett, *Brooks)

Senate Bill No. 881 -- DUI/DWI Offenses - Reduces from 15 to ten days time commissioner of safety has to make decision in case involving suspension of a driver license for DUI Amends TCA Title 55, Chapter 10. by *Person, *Atchley, *Kurita. (*HB417 by *Newton)

Senate Bill No. 908 -- Firearms and Ammunition - Specifies notice to be given prohibiting weapons from being carried on certain premises. Amends TCA Section 39-17-1359. by *Rochelle, *Williams. (*HB717 by *West, *Sharp, *Beavers, *Pleasant, *Hargett, *Todd, *Bittle)

***Senate Bill No. 2349** -- Civil Procedure - Deletes certain offenses from list of qualifying offenses for declaration of motor vehicle habitual offender; provides procedure for person previously declared MVHO based on certain offenses to petition court for immediate restoration of driving privileges. Amends TCA Title 55, Chapter 10. by *Henry, *Cohen, *Dixon. (HB2757 by *Robinson)

***Senate Bill No. 2398** -- Custody and Support - Directs that any child support payment made to department of human services without coupon or necessary identifying information is delinquent and subject to enforcement remedies and, in commissioner's discretion, civil penalty may be imposed. Amends TCA Title 36, Chapter 5, Part 1. by *Kyle, *Burks. (HB2688 by *Chumney, *Maddox, *DeBerry J, *DeBerry L, *Fowlkes, *Brown, *McMillan, *Black, *Patton, *Scroggs, *White, *Williams (Williamson))

***Senate Bill No. 2747** -- Equalization Board - Provides that failure to timely file lists of property owned by industrial development corporations or health, educational, and housing facilities corporations and value of such property shall be grounds for administrative dissolution of corporation. Amends TCA Section 7-53-305 and Section 48-101-312. by *Rochelle. (HB2821 by *Kisber)

Senate Bill No. 3108 -- Criminal Offenses - Creates crime of child care services fraud; authorizes civil recovery of value of fraudulently obtained child care services Amends TCA Title 71, Chapter 1, Part 1. by *Person, *Kurita, *Herron. (*HB3036 by *Walley, *Harwell, *Hargett)

Senate Bill No. 3301 -- Erin - Subject to local approval, enacts hotel/motel tax. by *Kurita. (HB3325 by *Ridgeway)

Senate Bill No. 3302 -- Houston County - Subject to local approval, enacts hotel/motel tax. by *Kurita. (HB3324 by *Ridgeway)

Senate Bill No. 3303 -- Montgomery County - Subject to local approval, increases hotel/motel tax from 3 to 5 percent; adds four additional members to tourist commission. Amends Chapter 167 of the Private Acts of 1979. by *Kurita. (HB3336 by *McMillan)

Senate Bill No. 3308 -- Cheatham County - Subject to local approval, authorizes legislative body to set or amend percentage of tax to be paid prior to recordation of plat with balance being paid when building permit is issued. Amends Chapter 28 of the Private Acts of 1997. by *Kurita. (HB3353 by *Williams (Williamson), *Davidson)

***Senate Bill No. 3309** -- Memphis - Subject to local approval, changes procedure for filling vacancies on board of education. Amends Chapter 30 of the Acts of 1868-1869; as amended. by *Dixon. (HB3328 by *Jones U (Shelby))

ROLL CALL

The roll call was taken with the following results:

Present 93

MONDAY, MAY 15, 2000 – SEVENTY-SEVENTH LEGISLATIVE DAY

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 1:00 p.m., Wednesday, May 17, 2000.